

COPY

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF NEW YORK

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DIANE PERITZ,

Plaintiff,

- against -

NASSAU COUNTY BOARD OF COOPERATIVE EDUCATIONAL

SERVICES, BONNIE HELLER, and JANET WEISEL,

Defendants.

CV No.: 16-CV-05478 (SJF) (AYS)

-----x

100 Supreme Court Drive
Mineola, New York

July 11, 2017
10:10 a.m.

Deposition of one of the Defendants,
by BONNIE HELLER, pursuant to Notice, before
Florence Syskrot, a Notary Public of the State
of New York.

SANDY SAUNDERS REPORTING
254 South Main Street, Suite 216
New City, New York 10956
(845) 634-7561

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A P P E A R A N C E S:

LAW OFFICE OF MINDY KALLUS

Attorneys for Plaintiff

3220 Netherland Avenue, Suite 5D

Bronx, New York 10463

BY: MINDY KALLUS, ESQ.

SILVERMAN & ASSOCIATES

Attorneys for Defendants

445 Hamilton Avenue, Suite 1102

White Plains, New York 10601

BY: CAROLINE B. LINEEN, ESQ.

ALSO PRESENT:

DIANE PERITZ

1
2 STIPULATIONS

3
4 IT IS HEREBY STIPULATED AND
5 AGREED by and between (among) counsel
6 for the respective parties herein,
7 that filing and sealing and
8 certification of the within deposition
9 be waived.

10 IT IS FURTHER STIPULATED AND
11 AGREED that all objections, except
12 as to the form of the question,
13 shall be reserved to the time of the
14 trial.

15 IT IS FURTHER STIPULATED AND
16 AGREED that the within deposition
17 may be sworn to and signed before
18 any officer authorized to administer an
19 oath, with the same force and effect as
20 if signed and sworn to before the
21 Court.

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23 - oOo -
24
25

1
2 B O N N I E H E L L E R, called as a witness,
3 having been duly sworn by a Notary
4 Public, was examined and testified as
5 follows:

6 EXAMINATION BY

7 MS. KALLUS:

8 Q. Please state your full name for
9 the record.

10 A. Bonnie Heller.

11 Q. What is your address?

12 A. Nassau BOCES, 2850 N. Jerusalem
13 Road, Wantagh, New York 11795.

14 Q. Good morning, Miss Heller.

15 A. Good morning.

16 Q. My name is Mindy Kallus. I am an
17 attorney for Diane Peritz, the Plaintiff in
18 this lawsuit.

19 I'm going to be asking you some
20 questions during the course of this morning.

21 Before we start, I just want to
22 go over a few instructions.

23 The first is: Please don't speak
24 over me when I ask a question.

25 You may feel that you know the

1 Heller
2 answer right away. Just wait until I finish
3 the question before you start your answer.

4 If you don't understand any
5 question that I pose to you, please let me
6 know. I will clarify it for you.

7 Have you taken any medications
8 that would prevent you from testifying
9 truthfully this morning?

10 A. No.

11 Q. Could you state your formal name
12 for the record?

13 A. Bonnie Lee Heller.

14 Q. Can you describe what your
15 current position is?

16 A. I'm a School Principal at the
17 Rosemary Kennedy School.

18 Q. Do you have any other degrees
19 related to your work as a School Principal?

20 A. Any?

21 Q. Any educational degrees.

22 A. Any at all?

23 Q. Yes.

24 A. I have a dual certification in
25 Special Ed and Elementary Ed. And I have a

1 Heller
2 School District and School Building
3 certification.

4 Q. Getting back to your education,
5 did you graduate from high school?

6 A. Yes.

7 Q. Following high school, did you
8 attend college?

9 A. Yes.

10 Q. Did you graduate from college?

11 A. Yes.

12 Q. What degree do you have?

13 A. Biology and Environmental Science
14 from -- a four-year degree.

15 And I went back for my Master's
16 in Education.

17 Q. Do you have one Master's?

18 A. I have one Master's that is a
19 dual certification.

20 Q. In your role as Principal and
21 given the degrees that you have, are you
22 familiar with how Occupational Therapists
23 perform their work?

24 MS. LINEEN: Objection to the
25 form.

1 Heller

2 You can answer, if you can.

3 Q. It doesn't mean that you
4 shouldn't answer. Her instructions are not
5 that you shouldn't answer.

6 A. Okay. Could you repeat the
7 question?

8 Q. Are you familiar with how
9 Occupational Therapists perform their work?

10 MS. LINEEN: Maintain the
11 objection.

12 To the extent that you can
13 answer, go ahead.

14 A. I'm familiar with what that --
15 what that looks like as part of a classroom
16 team. But not -- I'm not an OT, so --

17 Q. Do you, as part of your position
18 as Principal, observe Occupational Therapists
19 doing their work at your school?

20 MS. LINEEN: Object to the form.

21 You can answer.

22 A. Not formally.

23 Q. In other words, are you saying
24 that you don't actually perform observations
25 of Occupational Therapists?

1 Heller

2 A. Not formal observations, no.

3 Q. You are suggesting, as you just
4 testified, that you don't do formal
5 observations, but you may do informal
6 observations?

7 MS. LINEEN: Objection to form.

8 You may answer.

9 A. I may just see them working with
10 students when I'm in and out of classrooms,
11 around the building, and so on.

12 Q. Are you in a position to
13 determine whether or not an Occupational
14 Therapist is doing a satisfactory job?

15 MS. LINEEN: Object to the form.

16 If you can answer, go ahead.

17 A. I'm not sure what you mean.

18 MS. KALLUS: Can you repeat the
19 question that I just posed. Thank you.

20 (Requested portion of the record
21 was read by the Reporter.)

22 MS. LINEEN: My objection
23 continues.

24 But if you can answer, go ahead.

25 A. I can't really answer that

1 Heller

2 question. It is not -- I don't evaluate OTs.

3 Q. If you don't evaluate OTs, are
4 you in any position to determine whether an OT
5 should become permanent? Is that part of what
6 you do as a Principal?

7 A. No.

8 Q. Who does that? Who determines
9 that?

10 A. The Board makes the final
11 determination.

12 Q. The BOCES Board makes the final
13 determination?

14 A. Um hum.

15 MS. LINEEN: Is that a yes?

16 THE WITNESS: Yes. I'm sorry.

17 Q. Is anyone on the Board an
18 Occupational Therapist?

19 MS. LINEEN: At this time?

20 MS. KALLUS: At the time that she
21 just referenced when she said that the
22 Board makes the final determination.

23 A. I don't know all of their
24 backgrounds.

25 MS. LINEEN: For the record, the

1 Heller

2 Board changes.

3 Q. At the time that Miss Peritz was
4 a probationary employee, did the Board make a
5 determination about her performance?

6 MS. LINEEN: I'm going to object
7 to the form.

8 You can answer.

9 A. They make a determination based
10 on input from the OT Supervisor.

11 Q. Who was the OT Supervisor at the
12 time that Miss Peritz was a probationary
13 employee?

14 A. Janet Weisel. And Lorraine is a
15 PT -- actually, Janet Weisel.

16 Q. Did Janet Weisel prepare a report
17 for a BOCES Board in connection with Miss
18 Peritz?

19 A. I don't know. I don't know.

20 Q. Were you involved at all in the
21 determination to terminate Diane Peritz's
22 employment as a probationary employee?

23 A. No, I'm not involved in that.

24 Q. Did you speak to Janet Weisel
25 about the determination to terminate Miss

1 Heller

2 Peritz's position?

3 MS. LINEEN: At any time?

4 A. Yes.

5 MS. KALLUS: While Miss Peritz
6 was employed as a probationary employee.

7 MS. LINEEN: While she was still
8 there, did you speak to Janet Weisel
9 about --

10 MS. KALLUS: You don't have to
11 ask my question for me.

12 MS. LINEEN: I'm not asking the
13 question for you.

14 I'm relaying your question to
15 clarify it, because your question is
16 confusing about what time you are
17 speaking about.

18 The witness has a right to
19 understand.

20 MS. KALLUS: She can ask me if
21 she doesn't understand.

22 A. Yes, I spoke with Janet.

23 Q. What was the conversation? What
24 was the conversation about when you spoke to
25 Janet with respect to Miss Peritz?

1 Heller

2 A. She asked me to sit in when she
3 reviewed the observation information with Miss
4 Peritz.

5 Q. Was this a post-observation
6 discussion?

7 A. Um hum.

8 MS. LINEEN: Let her get her
9 question out.

10 A. Yes. Sorry.

11 Q. What did Ms. Weisel tell you her
12 concerns were, or what was the purpose of the
13 post-observation discussion?

14 MS. LINEEN: Objection to form.
15 You can answer.

16 A. She was -- she was going to
17 review the post-observation document.

18 Q. Do you recall which student was
19 involved in the observation?

20 A. No.

21 Q. Was this the first time that you
22 had a conversation with Janet Weisel about
23 Miss Peritz?

24 A. I don't recall.

25 Q. Do you recall having any

1 Heller

2 conversations with Miss Weisel about Miss
3 Peritz in the spring of 2015?

4 A. No.

5 Q. As you sit here today, do you
6 recall when you first had a conversation with
7 Miss Weisel about Miss Peritz?

8 A. In October of 2015.

9 Q. At that time were you aware that
10 Miss Peritz had a disability?

11 MS. LINEEN: Note my objection to
12 form.

13 You can answer.

14 A. I was aware that she had an
15 accommodation.

16 Q. In October of 2015 you were aware
17 that she had an accommodation?

18 A. Yes.

19 Q. When was the first time you
20 became aware of the fact that Miss Peritz had
21 an accommodation?

22 A. In September.

23 Q. How did you come to find out that
24 there was an accommodation in September?

25 A. The Co-Principal that I worked

Heller

with at the time had sat in on the
accommodation meeting. And he informed me.

Q. Who was the Co-Principal?

A. John Picarello,
P-I-C-A-R-E-L-L-O.

Q. I'm sorry. You testified earlier that your first conversation with Miss Weisel about Miss Peritz was in October of 2015?

A. Yes.

Q. Before that date were you aware of any concerns that Miss Weisel had with respect to Miss Peritz?

A. Not that I recall.

Q. Did you know Miss Peritz before she was employed by BOCES, Nassau BOCES?

A. No.

Q. The first time -- when Diane Peritz joined BOCES, did you review her CV?

A. Her resume?

Q. Yes.

A. No.

Q. Did you take part in any way in the hiring of Miss Peritz?

A. No.

1 Heller

2 Q. When you first spoke to Miss
3 Weisel in October of 2015 about Miss Peritz,
4 what conversations did you have? What did you
5 talk about?

6 A. She reviewed the observation that
7 she had conducted and that she had some
8 concerns. And she had written up her
9 post-observation report. And she wanted me to
10 be present when she reviewed it with Miss
11 Peritz.

12 Q. Where did the conversation take
13 place, the post observation take place? I'm
14 sorry.

15 A. In my office.

16 Q. Did Miss Weisel tell Miss Peritz
17 that the meeting in your office would take
18 place with you present?

19 A. I don't know.

20 Q. At the time that Miss Weisel in
21 October of 2015 expressed concerns about Miss
22 Peritz, did you review any of the evaluations
23 that had taken place?

24 MS. LINEEN: Note my objection to
25 form.

1 Heller

2 You can answer.

3 A. I'm not sure I understand.

4 Q. There were evaluations of Miss
5 Peritz as part of her -- that's part of how
6 she was observed and reviewed at Nassau County
7 BOCES.

8 Did you review any of the
9 evaluation reports involving Miss Peritz?

10 A. No.

11 You mean prior to that meeting?

12 Q. Yes.

13 A. Others before that, no.

14 Q. After that meeting did you review
15 any evaluation reports?

16 A. No.

17 Q. I am going to show you a number
18 of documents that were previously admitted as
19 exhibits in this case. I'm just going to ask
20 you a few questions about them.

21 MS. LINEEN: Do you want the ones
22 that are marked?

23 MS. KALLUS: If you have them,
24 yes.

25 MS. LINEEN: Which?

1 Heller

2 MS. KALLUS: Exhibit A.

3 MS. LINEEN: (Handing.)

4 Q. Just review that document. I'm
5 going to have a question or two for you.

6 MS. LINEEN: Just wait for a
7 question.

8 A. (Perusing.)

9 Q. Just let me know when you are
10 finished reading it.

11 A. I'm finished.

12 Q. Prior to today, have you ever
13 seen this Classified Employee Evaluation
14 Report that is dated June 2015?

15 A. For Diane?

16 Q. Yes.

17 A. No.

18 Q. Did you know that prior to
19 October of 2015 Diane had received
20 satisfactory evaluations?

21 MS. LINEEN: At BOCES?

22 MS. KALLUS: At BOCES.

23 A. At BOCES.

24 MS. LINEEN: Objection.

25 You can answer.

1 Heller

2 A. I don't know that I had been told
3 that. So I don't -- I don't recall.

4 Q. Now, again -- that is all I have
5 for Exhibit A.

6 MS. LINEEN: Do you need a
7 document?

8 MS. KALLUS: Yes. Exhibit B.

9 MS. LINEEN: Exhibit B?

10 MS. KALLUS: Yes.

11 MS. LINEEN: (Handing.)

12 Q. If you could look at it for a
13 minute or two?

14 MS. LINEEN: Wait for a question.
15 Just look at it.

16 A. (Perusing.) I'm sorry. I was
17 just reading through it.

18 MS. LINEEN: That is okay.

19 All set?

20 THE WITNESS: Yes.

21 MS. LINEEN: If you need to read
22 ahead or go back, go ahead and do that.

23 THE WITNESS: Thank you.

24 Q. Before today have you ever seen
25 this?

1 Heller

2 A. No. I'm sorry.

3 Q. Have you seen this Classified
4 Employer Evaluation Report?

5 A. No.

6 Q. Did you ever discuss the contents
7 of this report with Miss Weisel?

8 A. Yes.

9 Just the parts that -- well, a
10 lot of it went along with the observation
11 report when I sat in with her, the post
12 observation.

13 Q. Is it typical for you to sit in
14 on post-observation reports of Occupational
15 Therapists?

16 MS. LINEEN: Note my objection to
17 form.

18 A. Not typical, but it does occur.

19 Q. Just going back in time for a
20 minute. What documents did you review in
21 preparation for this deposition today?

22 A. I reviewed the letter that was
23 sent to Miss Peritz.

24 After our meeting together, we
25 had a disciplinary meeting where other

1 Heller
2 administrators were present.

3 I reviewed the letter that Miss
4 Peritz wrote back to me.

5 I had a couple of notes from
6 staff members expressing a concern.

7 I reviewed e-mails that talked --
8 that reviewed the accommodations based on the
9 two different accommodation meetings.

10 Q. You mentioned that you reviewed
11 notes about a staff member who expressed
12 concerns.

13 Do you know what that concern
14 was?

15 A. That when Miss Peritz came into
16 the classroom, she did not attempt to engage
17 the student, that student that she was taking
18 out for therapy. Refused to touch them.
19 Didn't want to hold their hand, and didn't
20 interact with them, and didn't establish a
21 rapport, and appeared fearful.

22 Q. You testified earlier that Miss
23 Peritz had an accommodation that involved her
24 upper body, is that right, or did you know --

25 MS. KALLUS: Strike that.

1 Heller

2 Q. Do you know what the
3 accommodation was that Miss Peritz had? Do
4 you know what it was?

5 A. Yes.

6 Q. What was that accommodation?

7 A. The first one from the September
8 11th meeting was that she couldn't lift more
9 than ten pounds.

10 Q. Is that the only one that you are
11 aware of?

12 A. No.

13 There was a second meeting in
14 early October. And a second doctor's note
15 discussed the need for her not to be pulled by
16 a student, you know.

17 Q. In other words, a student
18 shouldn't pull her?

19 A. Right.

20 Q. Now, you just mentioned that the
21 criticisms of Miss Peritz involved refusing to
22 touch students; is that right? Is that true?

23 MS. LINEEN: Note my objection to
24 form.

25 Is it true that she just

1 Heller

2 testified that way? Is that --

3 Q. Is it true that you just
4 testified, yes, that Miss Peritz refused to
5 touch students?

6 MS. LINEEN: Note my objection.

7 You can answer.

8 A. Yes.

9 Q. And that she appeared fearful
10 around the students, that is the second issue
11 that you testified to?

12 MS. LINEEN: Objection.

13 You can answer.

14 A. Yes.

15 Q. And that she wouldn't touch them,
16 is that the third item that you described as
17 one of the issues that Miss Peritz had?

18 A. Yes.

19 MS. LINEEN: Objection to form.

20 You can answer.

21 Q. Considering what you just
22 testified to, the three items that were
23 concerns that were had with respect to Miss
24 Peritz, they -- just looking at them fresh for
25 the first time right now, let's just consider

1 Heller
2 them for the first time, don't they appear to
3 be related to her issues relating to the
4 accommodations and her spinal stenosis? That
5 she didn't want to touch the students so that
6 they wouldn't pull her and if -- and if she
7 appeared fearful, it might be because she had
8 a very serious back condition that was causing
9 her to be somewhat leery about touching?

10 MS. LINEEN: Is that the end of
11 your question?

12 Q. If I didn't already mention it,
13 that she refused -- you indicated that she
14 refused to touch students; is that right? You
15 indicated all these three items. My question
16 is: Don't they seem related to her
17 accommodation?

18 MS. LINEEN: Objection to form,
19 the hypothetical nature of the
20 characterization and, to the extent you
21 are calling for a legal conclusion.

22 You can answer the question.

23 MS. KALLUS: I'm not calling for
24 a legal conclusion.

25 Q. The three items that you

1 Heller
2 testified to that were concerns that were
3 expressed by the Board, or the school, or
4 Janet Weisel, all appear to be related to her
5 back problems.

6 MS. LINEEN: I'm going to direct
7 her not to answer because she didn't
8 testify that way.

9 MS. KALLUS: She testified that
10 these were three items that were issues
11 of concern with respect to Miss Peritz.

12 MS. LINEEN: Raised by a staff
13 member, not the Board, not whoever.

14 If you are going to characterize
15 her testimony, get it right before she
16 answers the question.

17 Q. Really, my sole question is:
18 Don't these three items seem to be related to
19 a back problem as opposed to an emotional
20 issue relating to the children?

21 MS. LINEEN: I'm going to object
22 to the form --

23 MS. KALLUS: You can object.

24 MS. LINEEN: -- and to the extent
25 she is not here to testify as an expert

1 Heller

2 as it relates to whether these are
3 related to the back condition.

4 You can answer the question, if
5 you can.

6 A. No.

7 Q. They don't seem to be related to
8 her back problem?

9 MS. LINEEN: Asked and answered.

10 You can answer again.

11 Q. You can say no again if you want
12 to.

13 A. No.

14 MS. KALLUS: This might be a good
15 time for a quick break.

16 Let's take a break.

17 (At this time a recess was
18 taken.)

19 Q. We spoke earlier about your
20 degrees and your positions. But we didn't --
21 I didn't ask you questions about your actual
22 education, where you went to college, for
23 example.

24 A. Undergraduate, Geneseo.

25 And then Adelphi for my Master's

1 Heller

2 in Education.

3 And then the College of New
4 Rochelle for School Administration.

5 Q. Do you have any degrees in
6 supervision?

7 MS. LINEEN: Degree?

8 Q. A degree in supervision?

9 A. I have a -- yes.

10 Q. Did your education flow? Did you
11 immediately go from college to graduate
12 school? Or did you teach or do other kinds of
13 work in between?

14 A. I worked in a State institution
15 with adults with special needs.

16 Q. When was that?

17 A. After college. Immediately
18 after -- after college, after my undergraduate
19 degree.

20 Q. What did you do after that?

21 A. After that, well, that was in
22 Boston.

23 Then I moved back to Long Island
24 for family reasons, and worked in a few
25 different places, including residential

1 Heller

2 programs for kids with special needs.

3 And then I went back for my
4 Master's in Education.

5 And then while I was doing my
6 Master's, I was working at St. Christopher
7 Ottilie.

8 Q. What is that?

9 A. It is a home for students with
10 developmental disabilities, including autism
11 and other, you know, physical needs and
12 behavioral.

13 Q. Then what did you do after that?

14 A. I finished my Master's. And I
15 got a job in Birch, which is Birch Services in
16 Queens. I was a Pre-School Teacher.

17 Q. And after that?

18 A. I came to BOCES in 1989.

19 Q. When you first began working at
20 BOCES, what did you do?

21 A. I was a Classroom Teacher.

22 And I worked at that time -- the
23 school went from pre-school through high
24 school. And I worked in all different
25 departments as a Teacher.

1 Heller

2 Q. Did you get promoted? What
3 happened after?

4 MS. LINEEN: Objection to form.

5 You can answer.

6 A. Yes.

7 While I was teaching, I completed
8 my certificate in School Administration, and
9 received a promotion to an Assistant Principal
10 position.

11 Q. And then where are we now? What
12 year?

13 A. Hum. That is '89 -- '90. I'm a
14 little uncertain. So I think it was '98 or
15 '99.

16 Q. After that?

17 A. I was an Assistant Principal for
18 about four years.

19 And then an opening came up for a
20 Principal in the Early Childhood Center in
21 Nassau BOCES.

22 And I was a Principal there for
23 ten years.

24 And the pre-school closed due to
25 funding issues and so forth.

1 Heller

2 And I was transferred back to
3 Rosemary Kennedy, where I had started as a
4 Teacher.

5 Q. What did you do at Rosemary
6 Kennedy at that time?

7 A. I am the Principal for the lower
8 school.

9 Q. Since what year?

10 A. Since what year? Since -- this
11 is my fifth year.

12 I had to think about that. I
13 think -- I am beginning my fifth year.

14 MS. LINEEN: Going into your
15 fifth year?

16 THE WITNESS: I believe so.

17 I am actually thinking about
18 that. I think it is.

19 Q. The student population that you
20 are a Principal of is Special Education?

21 A. Yes.

22 Q. During the period that you were
23 Principal and that you are Principal, how many
24 post-observation conferences have you
25 attended?

1 Heller

2 A. For any staff members?

3 Q. Yes, for any staff members.

4 A. Many.

5 Q. You testified earlier with
6 respect to a post observation with Miss Peritz
7 and Miss Weisel.

8 Did you take any notes in
9 connection with that post observation
10 involving --

11 A. No.

12 Q. -- Miss Weisel?

13 You didn't take any notes at all?

14 A. During it?

15 Q. Yes, during it.

16 A. No.

17 Q. Have you ever heard of a student
18 named ES?

19 A. ES?

20 Q. Yes.

21 A. No.

22 Q. Regarding Miss Peritz, are you
23 aware of the fact that a CCA Principal
24 considered Miss Peritz a satisfactory
25 Occupational Therapist?

1 Heller

2 MS. LINEEN: Objection.

3 You can answer.

4 A. Can you repeat the question?

5 Q. Yes.

6 MS. LINEEN: She can read it back
7 for you.

8 (Requested portion of the record
9 read by the reporter.)

10 A. Yes. And now I am. I mean, yes.

11 Q. When you say now you are, when
12 did you first learn that he considered her a
13 good therapist?

14 A. When Miss Peritz wrote back to me
15 after that -- after the letter that I had sent
16 to her when we had a meeting with other
17 administrators.

18 Q. Did you have a conversation with
19 him?

20 A. With him?

21 Q. Yes.

22 A. No.

23 Q. Wouldn't that have been a
24 reasonable thing to do, considering she was
25 being evaluated by the schools, the BOCES

1 Heller

2 schools?

3 MS. LINEEN: Objection.

4 You can answer.

5 A. Not always.

6 Q. I asked you earlier about how
7 many post-observation conferences you've
8 attended since you have been a Principal, and
9 you said many.

10 Does that include
11 post-observation conferences including
12 Occupational Therapists?

13 A. I don't recall if I sat in on
14 others with OTs.

15 Q. You testified earlier with
16 respect to Miss Peritz, that you became
17 somewhat familiar with her in September of
18 2015?

19 MS. LINEEN: Objection to the
20 form and characterization of the
21 testimony.

22 You can answer.

23 A. Yes.

24 Q. I am sorry. I know I asked you
25 this before. I just want to make sure I

1 Heller

2 understand what you answered.

3 What did you learn in September
4 of 2015?

5 A. That there had been an
6 accommodation meeting.

7 Q. How soon after the accommodation
8 meeting did you learn this in September?

9 A. I believe it was the same day.

10 Q. Then with respect to October,
11 what did you learn in October about her
12 accommodation?

13 A. That a second doctor's note had
14 been provided and another meeting was held.

15 Q. With respect to evaluations of
16 Miss Peritz, were you familiar with the fact
17 that there was an observation in the spring of
18 2015 with respect to Miss Peritz treating a
19 student?

20 A. I don't recall when I knew that.

21 Q. But you did come to know that
22 with respect to the spring of 2015?

23 A. Yes.

24 MS. LINEEN: Note my objection to
25 form.

1 Heller

2 Q. You testified earlier that you
3 learned that some Aides had concerns about
4 Miss Peritz?

5 MS. LINEEN: Objection.

6 You can answer.

7 A. One Aide.

8 Q. How did you get that information?

9 A. So she spoke to me. And I asked
10 her to write her concern.

11 Q. I'm sorry. I may have asked you
12 this already as well.

13 When did that occur? What month?

14 A. The 1st or 2nd of October.

15 Q. Do you know who Selina Roberts
16 is?

17 A. I do.

18 Q. Who is she?

19 A. She is an Occupational Therapist.
20 And she was the Lead Therapist for a period of
21 time.

22 Q. Did you ever instruct her to
23 follow Miss Peritz around the school?

24 A. No.

25 Q. Did Selina Roberts have any

1 Heller
2 involvement in evaluating Miss Peritz?

3 A. No.

4 Q. With respect to observations of
5 Occupational Therapists, are those evaluations
6 always in writing?

7 MS. LINEEN: Note my objection to
8 form.

9 You said observations and then
10 you said evaluations.

11 MS. KALLUS: I'm sorry. I meant
12 observations.

13 A. I don't know.

14 Q. After Miss Peritz's observation
15 in September, did you reach out to any of her
16 references with respect to her abilities,
17 performance?

18 A. No.

19 Q. Did you reach out to her after
20 her observation in October?

21 Did you reach out to any of her
22 references about her performance?

23 A. No.

24 Q. Who did you speak to with respect
25 to Miss Peritz's performance within the

1 Heller

2 school?

3 MS. LINEEN: At any time?

4 MS. KALLUS: After September
5 and/or October of 2015.

6 MS. LINEEN: Objection to the
7 form.

8 You can answer.

9 A. John Picarello, Janet, you know,
10 my administrators in Central Office.

11 Q. Can you name the administrators?

12 A. Barbara Longo.

13 I am not sure if I spoke with
14 anyone else.

15 Q. You just mentioned that you spoke
16 to John.

17 What was that conversation?

18 A. Well, we are Co-Principals. We
19 were Co-Principals. And we would review
20 what's happening with staffing. We did talk
21 about the accommodation.

22 Q. What else?

23 A. And the meeting that we had. The
24 meeting that -- the post-observation
25 conference that I sat in on with Janet.

1 Heller

2 Q. What did John Picarello say to
3 you when you said you spoke to him?

4 A. I don't recall the exact -- I
5 don't recall the exact conversation.

6 Q. So you mentioned earlier an Aide
7 spoke to you about Miss Peritz.

8 A. Um hum.

9 Q. You said you asked her to write
10 it up?

11 A. Um hum.

12 MS. LINEEN: Is that a yes?

13 A. Yes. I'm sorry.

14 MS. LINEEN: That is okay.

15 MS. KALLUS: I'm just going to
16 ask for you to produce the write up by
17 the Aide.

18 MS. LINEEN: For the record, I
19 believe that has already been produced
20 to you in the series of documents that I
21 e-mailed you last week.

22 MS. KALLUS: The ones that were
23 produced via e-mail and not on paper?

24 MS. LINEEN: Right.

25 MS. KALLUS: I will take a look

1 Heller

2 at that. And if it is not there, please
3 produce it.

4 MS. LINEEN: As with anything, I
5 request that you follow up in writing
6 with all requests made here today.

7 We will take it under advisement.

8 MS. KALLUS: Let's take a break.

9 (At this time a recess was
10 taken.)

11 MS. KALLUS: We are concluding
12 this deposition.

13 We ask for any documents be
14 produced that we asked for that we don't
15 already have.

16 I will double-check as to the
17 notes we spoke about earlier.

18 MS. LINEEN: I just have one
19 question.

20 EXAMINATION BY

21 MS. LINEEN:

22 Q. Miss Heller, as you sit here
23 today, are you certain whether Miss Weisel had
24 written up an observation of the Plaintiff
25 when you attended the post-observation

1 Heller
2 conference that you spoke about?

3 A. No.

4 MS. LINEEN: I don't have any
5 further request questions.

6 I'm just going to request that
7 the witness be provided with a copy and
8 the right to review and sign the
9 transcript.

10 MS. KALLUS: Of course.

11 (Time noted: 11:21 a.m.)

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A C K N O W L E D G M E N T

STATE OF NEW YORK)
 :SS
COUNTY OF NASSAU)

I, BONNIE HELLER, hereby certify
that I have read the transcript of my
testimony taken under oath in my deposition of
July 11, 2017; that the transcript is a true,
complete and correct record of my testimony,
and that the answers on the record as given by
me are true and correct.

BONNIE HELLER

Signed and subscribed to before
me, this day
of , 2017.

Notary Public, State of New York

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-----I N D E X-----

WITNESS	EXAMINATION BY	PAGE
BONNIE HELLER	MS. KALLUS	4

-----DOCUMENT REQUEST-----

PAGE

37 Produce write up by Aide about Miss
Peritz

39 Provide witness for copy of transcript
to review and sign

C E R T I F I C A T E

STATE OF NEW YORK)
) ss.:
COUNTY OF NASSAU)

I, FLORENCE SYSKROT, a Notary
Public within and for the State of New
York, do hereby certify:

That BONNIE HELLER, the witness
whose deposition is hereinbefore set
forth, was duly sworn by me and that
such deposition is a true record of the
testimony given by such witness.

I further certify that I am not
related to any of the parties to this
action by blood or marriage; and that I am
in no way interested in the outcome of
this matter.

IN WITNESS WHEREOF, I have
hereunto set my hand this 21st day of
July, 2017.

Florence Syskrot

FLORENCE SYSKROT

1 Errata Sheet

2

3 NAME OF CASE: DIANE PERITZ - against - NASSAU COUNTY BOARD OF EDUCATION

4 DATE OF DEPOSITION: 07/11/2017

5 NAME OF WITNESS: BONNIE HELLER

6 Reason Codes:

7 1. To clarify the record.

8 2. To conform to the facts.

9 3. To correct transcription errors.

10 Page _____ Line _____ Reason _____

11 From _____ to _____

12 Page _____ Line _____ Reason _____

13 From _____ to _____

14 Page _____ Line _____ Reason _____

15 From _____ to _____

16 Page _____ Line _____ Reason _____

17 From _____ to _____

18 Page _____ Line _____ Reason _____

19 From _____ to _____

20 Page _____ Line _____ Reason _____

21 From _____ to _____

22 Page _____ Line _____ Reason _____

23 From _____ to _____

24

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